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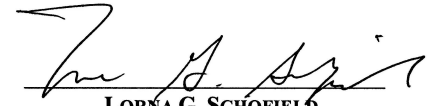
October 21, 2022

VIA ECF

Honorable Lorna D. Schofield, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application **GRANTED**. The deadline for the parties to submit the settlement agreement to the Court for approval pursuant to *Cheeks* is extended to **October 28, 2022**.

Dated: October 24, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *Rodolfo Morel v. WHP Mezz Borrower LLC, et al.*,
Case No. 1:22-cv-002267 (LGS)
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Dear Judge Schofield:

This firm represents defendants WHP Mezz Borrower LLC, Nieuw Amsterdam Property Management, LLC and Brad Hersh (the "Defendants") in the above-referenced action.

Pursuant to Sections IV.A.2 of Your Honor's Individual Rules and Procedures for Civil Cases, we write jointly with counsel for Plaintiff to seek a one-week extension of the deadline for the parties to file their settlement agreement and joint submissions with the Court for fairness review pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015), *cert. denied*, 136 S. Ct. 824 (2016). We respectfully request that the deadline be extended from today, Friday, October 21, through and including Friday, October 28.

This is the first request for an extension of the submission deadline, directed by this Court in an Order entered September 26. *See* Dkt. No. 29. No other dates or deadlines would be affected by the request.

Subsequent to final negotiations concerning settlement language this week, Defendants are currently reviewing draft paperwork that would memorialize and give effect to the parties' agreement. While counsel for both parties expect that the settlement paperwork will be approved in its current form and quickly executed, as of this writing Defendants' counsel has not yet received approval as to the final proposed language.

We thank the Court for its consideration of this request.

Respectfully Submitted,

CLIFTON BUDD & DeMARIA, LLP
Attorneys for Defendants

By: 
Stephen P. Pischl

CLIFTON BUDD & DEMARIA, LLP

Hon. Lorna D. Schofield, U.S.D.J.
October 21, 2022
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cc: **VIA ECF**
FISHER TAUBENFELD LLP
Attorneys for the Plaintiff